

00-3648-CV-WJZ

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

EAST EVERGLADES

GROUP 13 (ROSE) Cases As Follows:

UNITED STATES OF AMERICA,

Plaintiff,

vs.

1.25 Acres of Land and J.D. Shearer, et al.

**00-0129-CIV-ZLOCH/Dubé
Tract No. 239-10**

1.00 Acres of Land and Mildred Fox, et al.

**00-0327-CIV-ZLOCH/Dubé
Tract No. 240-13**

1.25 Acres of Land and Joaquin Rasco, et al.

**00-1021-CIV-ZLOCH/Dubé
Tract No. 132-26**

1.48 Acres of Land and Elizabeth R. B. Smith, et al.

**00-1195-CIV-ZLOCH/Dubé
Tract No. 538-19**

1.25 Acres of Land and Virgil E. Bossong, et al.

**00-1454-CIV-ZLOCH/Dubé
Tract No. 252-16**

1.59 Acres of Land and Alfredo Chou, et al.

**00-2475-CIV-ZLOCH/Dubé
Tract No. 125-30**

**1.38 Acres of Land and Sunshine Properties
Wholesale Corp., et al.**

**00-2781-CIV-ZLOCH/Dubé
Tract No. 559-25**

1.38 Acres of Land and Nathan Swift, Jr., et al.

**00-2986-CIV-ZLOCH/Dubé
Tract No. 520-28**

1.38 Acres of Land and Jennifer Stewart, et al.

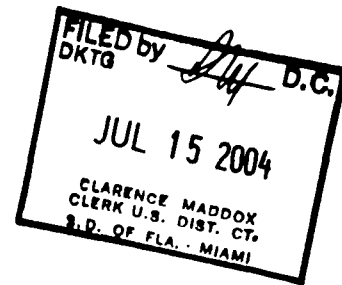
**00-3348-CIV-ZLOCH/Dubé
Tract No. 538-35**

1.14 Acres of Land and Harold O. Nichols, et al.

**00-3446-CIV-ZLOCH/Dubé
Tract No. 213-35**

2.50 Acres of Land and Luis Barcelo, et al.

**00-3631-CIV-ZLOCH/Dubé
Tract No. 142-16**



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MH

4.39 Acres of Land and Jose A. Chapur Zahoul, et al.	00-3648-CIV-ZLOCH/Dubé Tract No. 120-39
1.50 Acres of Land and Joseph T. McQuesten, et al.	00-3725-CIV-ZLOCH/Dubé Tract No. 524-37
1.59 Acres of Land and Rafael Mestre, et al.	00-3756-CIV-ZLOCH/Dubé Tract No. 118-61
1.59 Acres of Land and Sergio Bofill, et al.	00-3953-CIV-ZLOCH/Dubé Tract No. 126-24
25.00 Acres of Land and Ramon Madruga, et al.	00-4038-CIV-ZLOCH/Dubé Tract No. 578-20
1.02 Acres of Land and Carl L. Signon, et al.	00-4086-CIV-ZLOCH/Dubé Tract No. 212-38
2.50 Acres of Land and Fernando Villa, et al.	00-4087-CIV-ZLOCH/Dubé Tract No. 566-38
1.22 Acres of Land and Alma A. Kepka, et al.	00-4088-CIV-ZLOCH/Dubé Tract No. 581-25
2.75 Acres of Land and Karl D. Fleck, et al.	00-4141-CIV-ZLOCH/Dubé Tract No. 581-23
1.33 Acres of Land and Melquiades Gavillan, et al.	00-4164-CIV-ZLOCH/Dubé Tract No. 133-13
1.14 Acres of Land and Wilmer R. Newlin, et al.	00-4196-CIV-ZLOCH/Dubé Tract No. 209-45
1.14 Acres of Land and Travel Quest, Inc., et al.	00-4242-CIV-ZLOCH/Dubé Tract No. 215-41
0.93 Acres of Land and Bernard Young, et al.	00-4328-CIV-ZLOCH/Dubé Tract No. 210-05
5.00 Acres of Land and Jose R. Osorno, et al.	00-4542-CIV-ZLOCH/Dubé Tract No. 228-04

5.00 Acres of Land and Charles Donlon, et al.	00-4637-CIV-ZLOCH/Dubé Tract No. 116-12
2.27 Acres of Land and Florida Property Wholesalers Corporation, et al.	00-4698-CIV-ZLOCH/Dubé Tract No. 212-26
1.25 Acres of Land and Ft. Meyers West, Inc., et al.	00-4699-CIV-ZLOCH/Dubé Tract No. 557-07
1.50 Acres of Land and Elton L. Pierce, et al.	00-4773-CIV-ZLOCH/Dubé Tract No. 524-43
1.14 Acres of Land and Margaret Houghtalen, et al.	00-4776-CIV-ZLOCH/Dubé Tract No. 215-30

Defendants.

_____/

JUDGMENT DETERMINING JUST COMPENSATION
AND ORDER FOR DISBURSEMENT OF FUNDS

These causes came on for a hearing held before a duly appointed Land Commission on January 25, 2002, to determine just compensation for the property interests taken. The Commission filed its Report of Land Commissioners with the Clerk of the Court on March 13, 2002, recommending awards to said defendant landowners as just compensation. The Court hereby accepts the Report and findings of the Land Commission.

It is hereby ORDERED AND ADJUDGED that the Report of Land Commissioners filed herein on March 13, 2002, covering the tracts set forth in the chart attached hereto, is hereby confirmed and approved and that the Commission's findings of fact are hereby adopted as the findings and conclusions of this Court.

That judgments be and hereby are entered in favor of the parties listed in the chart attached hereto and made a part hereof, and in the sums designated therein against the United States of America

Said sums shall be full and just compensation and in full satisfaction of any and all claims of whatsoever nature against the United States of America by reason of the institution and prosecution of this action and taking of the said property interest(s) and all appurtenances thereto belonging.

The said sums shall be subject to all real estate taxes, liens and encumbrances of whatsoever nature existing against the said property at the time of vesting title in the United States. Encumbrances and charges of whatsoever nature shall be payable and deductible from the said sum.

PROCEDURE FOR DISBURSEMENT

The Clerk of the Court is hereby ordered to disburse the said sums together with any interest accrued to the parties entitled thereto upon application to this Court and without further order of this Court, unless the United States files an objection within 10 days. **A form for Application for Withdrawal of Funds is attached to this Order.** In the event that said sums together with any interest remain unclaimed for a period of at least five years from the date of this Order, the Clerk of the Court, pursuant to 28 U.S.C. § 2042, is ordered to cause said sums, together with any interest accrued thereon, to be deposited in the U.S. Treasury in the name and to the credit of the United States of America in trust for the use and benefit of any persons entitled thereto.

DONE AND ORDERED in Chambers, in Fort Lauderdale, Florida, this 18th day of JUNE, 2004.



WILLIAM J. ZLOCH
CHIEF UNITED STATES DISTRICT JUDGE

cc Norman O. Hemming, III, AUSA
Clerks Office, Financial Section
J D Shearer

Mildred Fox
Olga Rasco
Elizabeth R. B. Smith
Ford Motor Credit Company
Del Norte, Inc.
State of Florida, Dept. of Labor & Employment Security
VAH Miami Federal Credit Union
General Electric Capital Corp.
North Dade Medical Foundation, Inc.
Prudential Property & Casualty Insurance Co.
Virgil E. Bossong
Alfredo Chou
Sunshine Properties Wholesale Corp., Inc.
Nathan Swift, Jr.
Jennifer Stewart
Harold O. Nichols
Luis Barcelo
Jose A. Chapur Zahoul
Jeff Tucker
Joseph T. McQuesten
Mary McQuesten
Rafael Mestre and Elida Mestre
Sergio Bofill and Nidia Bofill
Ramon Madruga
Carl L. Sigmon
Fernando Villa
Alma A. Kepka
Karl D. Fleck
Melquiades Gavillan
Wilmer R. Newlin
Travel Quest, Inc.
Bernard Young
Jose R. Osorno
Charles Donlon
Florida Property Wholesalers Corporation
Jesse L. Rogers
Kathryn J. Rogers
Ft. MeyersWest, Inc.
Elton L. Pierce
Margaret Houghtalen

Civil Number	Tract Number	Owners Name	Value
00-0129	239-10	Shearer, J.D.	\$650.00
00-0327	240-13	Fox, Mildred	\$500.00
00-1021	132-26	Rasco, Olga	\$650.00
00-1195	538-19	Smith, Elizabeth R.	\$750.00
00-1454	252-16	Bossong, Virgil	\$650.00
00-2475	125-30	Chou, Alfredo	\$800.00
00-2781	559-25	Sunshine Properties Wholesale	\$700.00
00-2986	520-28	Swift, Jr., Nathan	\$700.00
00-3348	538-35	Stewart, Jennifer	\$700.00
00-3446	213-35	Nichols, Harold	\$650.00
00-3631	142-16	Barcelo, Luis	\$1,250.00
00-3648	120-39	Zahoul Chapur, Jose A.	\$2,200.00
00-3725	524-37	McQuesten, Joseph T.	\$750.00
00-3756	118-61	Mestre, Rafael	\$800.00
00-3953	126-24	Bofill, Sergio	\$800.00
00-4038	578-20	Madrugá, Ramon	\$12,500.00
00-4086	212-38	Signon, Carl L.	\$650.00
00-4087	566-38	Villa, Fernando	\$1,250.00
00-4088	581-25	Kepka, Alma A.	\$750.00
00-4141	581-23	Feleck, Karl D.	\$1,400.00
00-4164	133-13	Gavillan, Melquiades	\$700.00
00-4196	209-45	Newlin, Wilmer	\$650.00
00-4242	215-41	Travel Quest, Inc	\$650.00
00-4328	210-05	Young, Bernard	\$650.00
00-4542	228-04	Osorno, Jose R	\$2,500.00
00-4637	116-12	Donlon, Charles	\$2,500.00

00-4698	212-26	Florida Property Wholesalers Corp.	\$1,250.00
00-4699	557-07	Ft. Meyers West, Inc.	\$700.00
00-4773	524-43	Pierce, Elton L.	\$750.00
00-4776	215-30	Houghtalen, Margaret	\$650.00

INSTRUCTIONS FOR COMPLETING
APPLICATION FOR WITHDRAWAL OF FUNDS

- (1) Landowner shall *fill in* this Application.
- (2) Landowner's signature shall be *notarized*.
- (3) A W-9 form **has been enclosed** for your convenience. This form is required by the Court's Financial Department, but *shall not* be filed as part of the Court record.
- (4) The completed application, along with the W-9 form, shall be *returned to*:

Judge Robert L. Dubé
United States District Court
Southern District of Florida
300 NE 1st Avenue, Room 112
Miami, FL 33132

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. _____-CIV-ZLOCH/DUBÉ

UNITED STATES OF AMERICA,

Plaintiff,

v.

TRACT NO. _____
(EAST EVERGLADES)

_____ ACRES OF LAND, MORE OR LESS,
IN THE COUNTY OF DADE, STATE OF
FLORIDA, et al.,

Defendants.

_____/

APPLICATION FOR WITHDRAWAL OF FUNDS

(1) Name of Applicant: _____
(Landowner Seeking Funds)

(2) Date of Judgment: _____

(3) Sum Awarded by Judgment: _____

Applicant, _____, states as follows:
(Landowner Seeking Funds)

(a) the fee simple title to the subject property was good according to the records of the Applicant who is entitled to the said sum; and

(b) Applicant warrants that he/she has the exclusive right to the balance of the compensation herein after payment of taxes plus the interest earned on said balance and that no other party is entitled to the same or any part thereof by reason of any unrecorded agreement.

(c) Applicant agrees that he/she will hold the United States of America and this Honorable Court harmless from any claims made by parties having liens or encumbrances, or other parties who

may have been entitled to the said compensation or any party thereof by reason of any unrecorded agreement.

Signature of Applicant: _____

Name of Applicant: _____

Address of Applicant: _____

Telephone No.: _____

I, _____, being first duly sworn on oath depose and say that I have
(Landowner Seeking Funds)

read the foregoing and attached Application for Withdrawal of Funds subscribed by me and know the contents thereof; that the matters therein upon my personal knowledge are true and those stated upon information and belief I believe to be true.

Signature of Applicant: _____

Name of Applicant: _____

Address of Applicant: _____

Sworn to and Subscribed before me this _____ day of _____, 2004.

() Personally Known to Me, or,

() Produced ID _____ ;

NOTARY PUBLIC/Signature

